United Nations CEDAW/C/SR.1570

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
26 February 2018

Original: English

Committee on the Elimination of Discrimination against Women
Sixty-ninth session

Summary record of the 1570th meeting
Held at the Palais des Nations, Geneva, on Monday, 19 February 2018, at 10 a.m.

Chair: Ms. Leinarte

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The meeting was called to order at 10 a.m.

Opening of the session

1. **The Chair** declared open the sixty-ninth session of the Committee.

Statement by the representative of the United Nations High Commissioner for Human Rights

2. **Mr. Abdelmoula** (Director of the Human Rights Council and Treaty Mechanisms Division) said that, on 28 November 2017, the Committee had requested the Government of Myanmar to submit an exceptional report on cases of sexual violence against Rohingya women and girls by State security forces and to provide details of the number of women and girls who had been killed by other non-natural causes since August 2017. The Committee had also requested information on investigations, arrests, prosecutions, convictions and sentences imposed on perpetrators convicted of such crimes, on the number of Rohingya families displaced by violence and on measures taken by the Government to ensure their voluntary and safe return and provide them with compensation.

3. On 5 December 2018, the Human Rights Council had held its twenty-seventh special session on the human rights situation of the minority Rohingya Muslim population and other minorities in the Rakhine State of Myanmar. In his opening statement at that session, the High Commissioner had drawn attention to a number of human rights violations that had been highlighted by the Committee in its concluding observations on the combined fourth and fifth periodic reports of Myanmar (CEDAW/C/MMR/CO/4-5). The High Commissioner had been invited to prepare a comprehensive written report on the situation of the Rohingya that would benefit from the contributions of the Committee.

4. OHCHR would shortly adopt its Management Plan for the period 2018–2021. "Enhancing equality and countering discrimination" was among the pillars of the Plan that related directly to the Convention. The Plan set forth expected accomplishments to fill gaps in the fight for equality and non-discrimination and linked those accomplishments with the Sustainable Development Goals. As the achievement of those Goals depended on the collection of good quality data, including data disaggregated by gender, the Committee should be commended on the steps that it had taken to promote women's human rights perspectives throughout the Goals and to revise its reporting guidelines to encourage States parties to report on the achievement of gender-related targets.

5. The Plan placed great emphasis on the national implementation of effective legislation to fight discrimination in line with the recommendations made by human rights mechanisms. Under the Plan, OHCHR would support States in their efforts to implement recommendations, in conjunction with the United Nations country teams and other partners, and would draw on the recommendations to ensure that duty bearers and rights holders had access to the expertise of treaty body members. An operational approach, involving outreach initiatives and partnerships, was required to ensure that the recommendations were implemented. The Committee's concluding observations, decisions on individual communications, inquiry reports and general recommendations provided States parties with invaluable guidance.

6. During its seventy-second session, the General Assembly had taken a number of important financial decisions that had serious implications for all treaty bodies. In particular, it had decided to reduce the resources available for the travel of experts by 25 per cent and the travel of staff by 10 per cent. It had also decided to establish only two new posts to support the human rights treaty body system instead of the 11 requested by the Secretary-General. OHCHR was aware that the resources provided for the important work on inquiries into allegations of grave or systematic human rights violations were insufficient and was examining ways of addressing that situation through the budgetary process. The situation would be addressed in the second report to be submitted by the Secretary-General to the General Assembly under resolution 68/268.

7. **Ms. Haidar** said that the Committee members, together with the Secretariat, should use part of the current session to reflect on what could be done to address the problem of the shortage of resources.

8. **Ms. Halperin-Kaddari** said that she wished to know how it would be possible for the Committee to maintain its meeting times and workload when its budget was being cut.

9. **Ms. Gabr** said that the United Nations could not afford to allow the work of treaty bodies to be adversely affected by budgetary concerns. Treaty bodies were required to operate efficiently, as their work was based on conventions and legally binding instruments. In order to identify inefficiencies in the United Nations mechanisms, a study of the extent to which the work of the special procedures mandate holders overlapped with that of the treaty bodies should be carried out.

10. **Ms. Schulz** said that the progress made towards harmonizing the working methods of the treaty bodies had fallen short of expectations. The budget cuts under discussion would lead to an increase in the Committee's backlog of work, causing States parties to become increasingly dissatisfied with the Committee and increasing the likelihood of further cuts. She wished to know what changes would be made to the funding of inquiries, which had been underfunded to date.

11. **Ms. Jahan** said that she wished to know whether the Committee's budget had been supplemented by any extrabudgetary or voluntary contributions.

12. **Ms. Ameline** said that it was necessary to reinforce the role of international law in preventing the outbreak of crises, which usually involved violations of human rights, as the crisis of the Rohingya clearly showed. It did not make sense to speak of enhancing protection for human rights while decreasing the budget available to combating violations of those rights. That said, given that women's rights were central to sustainable development and that States parties were fully committed to the implementation of the Sustainable Development Goals, the Convention should serve as a road map to assess the achievement of those Goals. The Committee should in turn seize the opportunities afforded by the Goals, including the added synergy created between actors, in order to ensure that its recommendations were more effectively implemented on the ground.

13. **Ms. Arocha**, noting that there was an increasing number of special procedures mandate holders and OHCHR field offices, said that she would welcome further information on the precise nature of the budget cuts that would be imposed and the relative effect that the cuts would have on the work of the treaty bodies and of OHCHR.

14. **Mr. Abdelmoula** said that General Assembly resolution 68/268 provided for the allocation of resources commensurate with the growing workload of the treaty bodies. Following the submission of the Secretary-General's report on the status of the human rights treaty body system (A/71/118), the Advisory Committee on Administrative and Budgetary Questions had argued that the resolution in question did not provide a legislative basis for an increase in resources. Although the Fifth Committee had not accepted that argument, the Advisory Committee had recommended that the 11 posts requested by OHCHR should be reduced to 5. Three of those posts had already been encumbered in the Office. The General Assembly had thus fallen short of the commitment that it had made in resolution 68/268.

15. As the work of the treaty bodies was mandated, it would be unacceptable to consider funding it through extrabudgetary resources, as that would allow Member States to avoid shouldering their responsibilities and would subject treaty bodies to an unacceptable level of uncertainty. Given the lack of adequate resources, and because staff were already overstretched, it would not be humanly possible for OHCHR to provide the treaty bodies with the level of support that they required. Even if it were possible, continuing to provide the same level of support would give the General Assembly the false impression that OHCHR did not require any additional human resources.

16. Although it would be interesting to conduct a study of the extent to which the work of the special procedure mandate holders overlapped with that of the treaty bodies, it should be noted that special procedure mandates were established by the Human Rights Council, over which OHCHR had no control.

17. Turning to the issue of funding for inquiries, he said that a budget was provided for a mission per year but funds were not provided to cover staff costs.

18. As he had already suggested, using extrabudgetary resources for the core functions of the treaty bodies would absolve the General Assembly of its responsibility to provide the resources for those functions. It could also lead to greater reliance on extrabudgetary funds, which fluctuated from one year to another. The treaty bodies should not be forced to deal with that uncertainty.

19. In recent years, the Human Rights Council and Treaty Mechanisms Division had made a conscious decision to ensure that recommendations made during universal periodic reviews and by the treaty bodies were acted on. Indeed, finding ways of ensuring that recommendations were implemented was a pillar of the OHCHR Management Plan for 2018–2021. Prevention had been made a priority by the Secretary-General, and the recommendations made by treaty mechanisms were a critical component of country-level efforts to prevent human rights violations.

20. All the Sustainable Development Goals were related to human rights if human rights were viewed holistically. Accordingly, a universal human rights index cataloguing all the recommendations made by the human rights mechanisms had been developed. It made it possible to sort each recommendation by country and by the Goal to which it was linked. Work on the index was ongoing, as were efforts to develop guidance tools for country-level resident coordinators on how to integrate recommendations, including those made by the Committee, into frameworks for the implementation of the Goals.

21. Other relevant initiatives had included a number of regional retreats for resident coordinators on incorporating the recommendations made by the treaty bodies and other human rights mechanisms into their work at the country level. The retreats had been organized in an effort to ensure that resident coordinators, United Nations country teams and national human rights institutions took responsibility for the implementation of the recommendations. Member States would also be encouraged to take ownership of the recommendations.

22. The Office was not given a single package of resources that it could distribute as it saw fit. It had not chosen to create only 2 positions for persons providing support to the treaty bodies rather than the 11 that had been requested because it had wished to favour other activities. The maintenance of field presences depended in part on extrabudgetary resources, some of which were earmarked for specific countries or themes and could not be reallocated elsewhere. In that connection, the Office's push for greater engagement at the field level, which would involve restructuring its field presences, bringing them closer to its local partners, had been disregarded by the General Assembly for three consecutive years. The Office could look into the possibly overlapping mandates of the special procedures mechanisms and the treaty bodies, but responsibility for addressing any overlap ultimately lay with the Member States.

Adoption of the agenda and organization of work (CEDAW/C/69/1)

23. *The agenda was adopted.*

Report of the Chair on activities undertaken between the sixty-eighth and sixty-ninth sessions of the Committee

24. **The Chair** said that the Government of Nigeria had nominated a candidate to fill the casual vacancy occasioned by the death of Ms. Nwankwo. The Committee would have an opportunity to approve the nominee during the session.

25. Since the previous session, the number of States parties that had ratified or acceded to the Convention had remained at 189. In October 2017, Monaco had accepted the amendment to article 20 (1) of the Convention concerning the Committee's meeting time, bringing the number of States parties having accepted the amendment to 72, 54 short of the 126 total required to bring the amendment into force. The number of States parties to the Optional Protocol had remained at 109. Nine States parties — Angola, Antigua and Barbuda, Botswana, Cabo Verde, Colombia, the Democratic Republic of the Congo, Ethiopia, Qatar and the United Kingdom of Great Britain and Northern Ireland — had submitted periodic reports since the opening of the previous session. Liechtenstein had submitted its combined periodic reports under the simplified reporting procedure.

26. In November 2017, she had participated in a conference in Tashkent on indicators of progress in the field of human rights, at which she had given a presentation on the importance of Sustainable Development Goal 5 on gender equality and the empowerment of women and girls and the practices of the Committee. In early December, she had given a presentation on the Committee's jurisprudence and practices in respect of violence against women at a conference in Moscow. Immediately after the current session, she would travel to New York to attend the opening of the sixty-second session of the Commission on the Status of Women.

27. **Ms. Gbedemah** said that, from 4 to 6 December 2017, she had attended a conference at the Carter Center in Atlanta, United States of America, on developing a plan of action for human rights and elections standards. She had previously given a presentation on how elections affected women to representatives of the Carter Center in Geneva.

28. **Ms. Gabr** said that she had visited Japan, where she had had the opportunity to see the results of the steps that the country had been taking to protect vulnerable women. In Kyoto, she had given a talk that had touched on the Committee's recent consideration of the combined periodic reports of Japan. She had also been invited by the Economic and Social Commission for Western Asia, in Beirut, to participate in a dialogue on the Convention and the rights of women. In addition, she had taken part in a number of events related to women's rights in Cairo, in her home country. Lastly, in Jeddah, Saudi Arabia, she had participated in her capacity as an expert on the rights of women in a meeting of the Organization of Islamic Cooperation.

29. **Ms. Ameline** said that she had travelled to Belgium, Benin, Egypt, Israel and Turkey in her capacity as a Committee member. In Benin, she had witnessed the commendable efforts made by the Inter-Parliamentary Union to ensure the adoption of a law on gender parity. During her travels, she had also had the opportunity to promote the idea that, as Mr. Abdelmoula had suggested, women were key contributors to peacebuilding.

30. **Ms. Schulz** said that, in November 2017, she had taken part in a meeting organized in Geneva by the International Commission of Jurists. Participants had discussed traditional and customary justice systems, international human rights and access to justice. Later in the month, she had participated in a monthly stakeholder consultation convened by the Working Group on the issue of human rights and transnational corporations and other business enterprises, at which she had spoken about new aspects of the Committee's work, such as the extraterritorial application of the Convention and its views on illegal arms transfers.

31. In December, she had attended a judicial colloquium in Bellagio, Italy. The participants, senior judges and experts on gender issues, had adopted a document on the role of the judiciary in cases of gender-based violence. In January 2018, she had been invited by the Working Group on the issue of discrimination against women in law and in practice to discuss possible cooperation between the Working Group and the Committee.

32. **Ms. Verges** said that, in late November, she had launched a project to empower rural women in Mauritania through the provision of sewing machines. She had also received a delegation from the International Republican Institute, which had visited Mauritania as part of a women's capacity-building project. In early January 2018, she had worked with a network of women parliamentarians and other stakeholders on the draft of a bill to establish quotas for the participation of women at all levels of power. In addition, she had participated in events organized by OHCHR in Mauritania and a women's advocacy group. Lastly, she had exchanged correspondence with a Tunisian women's organization on the establishment of a broader network of the North African women.

33. **Ms. Haidar** said that, in December 2017, she had taken part in a meeting to discuss follow-up to the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination. In the same connection, she had taken part in a seminar on religion and rights. The seminar had been organized in part by the United Nations Inter-Agency Task Force on Engaging Faith-based Organizations for Development, and she had spoken with the task force coordinator about the Committee's work. In follow-up to the seminar, she and Ms. Schulz had spent a morning with a number of seminar participants discussing how to deal with religious practices that harmed women.

She had also participated in two meetings of the expert working group on addressing women's human rights in the context of the global compact for safe, orderly and regular migration.

34. **Ms. Chalal** said that she had presented the Committee's recommendations concerning the sterilization of women and girls with disabilities at a public hearing held on that issue by the European Parliament. She had also taken part in a number of activities in her country that she would list on the form provided for that purpose by the secretariat.

35. **Ms. Acosta Vargas** said that, along with Ms. Gabr and Ms. Manalo, she had been a member of the delegation that had travelled to Japan. The experience had made it possible for her to understand what Japan had achieved with regard to the rights of women and girls and what was still to be done. In January 2018, in her capacity as a Committee member, she had participated in a high-level forum in Mexico City on empowering indigenous women to eradicate hunger and malnutrition in Latin America and the Caribbean. She had also met with representatives of the UN-Women to discuss how the Committee could support the efforts made by Brazil, Colombia and Mexico to act on the recommendations the Committee contained in its concluding observations and other issues related to reporting.

36. **Ms. Manalo** said that it had been enlightening for her to learn how public- and private-sector mechanisms in Japan, which she had visited with other Committee members, had contributed to the advancement of women. In her country, the Philippines, she had travelled extensively, sometimes risking her own safety, to combat the extrajudicial killings ordered by the country's President. She had also participated in efforts to prevent the persecution or removal from office of a number of prominent Philippine women, including the country's Ombudsman. Lastly, at her insistence, her country's Department of Foreign Affairs had published a report on the role of women's entrepreneurship in the economic growth of South-East Asia.

37. **Ms. Rana** said that, in December 2017, at a conference on sustainable development in Pakistan, she had presented a paper on the use of the Committee as a tool for addressing violence against women. In February 2018, she had helped organize an international conference in Nepal and attended a conference held by the Carter Center in Atlanta, where she had spoken on using international instruments, the Convention in particular, to promote women's right to information. As part of the conference, she had joined a task force that had discussed the development of a general recommendation regarding women's right to information.

38. **Ms. Halperin-Kaddari** said that she had presented the Committee's views and recommendations concerning the harassment of women in the workplace at an event held in Geneva in December 2017.

39. **Ms. Naraia** said that her intersessional activities had consisted mostly of awareness-raising in Mauritius. In February 2018, for instance, she had provided an overview of the Committee's work at the Institute for Judicial and Legal Studies of Mauritius. The overview had prompted considerable interest from the participants, members of the legal profession, in the communications procedure and the possibility of invoking the Convention before the country's courts.

Consideration of reports submitted by States parties under article 18 of the Convention

40. **Ms. Haidar**, introducing the report of the Chair of the pre-sessional working group for the sixty-ninth session, said that the group had met from 24 to 28 July 2017 in Geneva to draw up lists of issues and questions concerning the periodic or initial reports of Chile, Fiji, Malaysia, the Marshall Islands, the Republic of Korea, Saudi Arabia and Suriname. In addition, the Committee, piloting its simplified reporting procedure, had drawn up a list of issues prior to the submission of the eighth periodic report of Mauritius. The consideration of that report was scheduled to take place at the Committee's seventy-first session.

41. The reports of the States parties mentioned above, with the exception of Mauritius, along with the core documents of all but Saudi Arabia, had informed the preparation of the lists of issues and the questions. The working group had also drawn on the Committee's

general recommendations, information and draft lists of issues provided by the secretariat and, except in the case of the Marshall Islands, which had submitted its initial report, information provided by States parties in follow-up to the Committee's concluding observations on their previous reports. The group had received written and oral information from entities and specialized agencies of the United Nations system, non-governmental organizations and national human rights institutions. The final lists of issues and questions had been transmitted to the States parties concerned.

Follow-up to the consideration of reports submitted by States parties under article 18 of the Convention

42. **Ms. Gbedemah** (Rapporteur on follow-up), briefing the Committee on follow-up reports received from States parties, said that, during the sixty-eighth session, she and Ms. Nadaraia had met with representatives of Uganda and the Central African Republic, whose responses had been positive. At the end of that session, follow-up letters outlining the assessment of follow-up reports had been sent to Benin, Brunei Darussalam, Slovenia and Spain.

43. First reminders about overdue follow-up reports had been sent to Croatia, the Gambia, Namibia, Saint Vincent and the Grenadines, Senegal and Viet Nam. The Committee had received follow-up reports from Croatia with a 4-month delay, Maldives with a 7-month delay, Mauritania with a 15-month delay, Namibia with a 5-month delay, the Plurinational State of Bolivia with a 4-month delay, Poland with a 10-month delay and Portugal and Ukraine, both on time. The country rapporteurs for Croatia, Maldives, the Plurinational State of Bolivia, Poland and Uzbekistan were invited to assist in the assessment of the follow-up reports. Volunteers were sought to assist in the assessment of the reports submitted by Mauritania, Namibia and Portugal.

44. During the current session, first reminders should be sent to Lebanon, Liberia, Madagascar, Malawi, the Russian Federation, Timor-Leste and the United Arab Emirates. Second reminders should be sent to the Gambia, Saint Vincent and the Grenadines and Senegal. In addition, meetings regarding overdue follow-up reports should be scheduled with representatives of Azerbaijan, Cabo Verde, the Central African Republic, the Democratic Republic of the Congo, Equatorial Guinea, Eritrea, Gabon, Ghana, Guinea, India, Sierra Leone, Tuvalu and Uganda.

The meeting rose at 11.30 a.m.